

REMARKS

Claims 1-27 are pending in the instant application. Claims 1, 10, and 19 are independent claims, and claims 2-9, 11-18, and 20-27 depend, respectively, from independent claims 1, 10, and 19. The Applicants request reconsideration of the claims in view of the following remarks.

In paragraph 2 of the Office Action, claims 1-27 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Walker et al., US Patent 6,088,686 (Walker). As the Office Action conceded, the Walker reference does not disclose, or even suggest, a credit management system that utilizes a web server. However, Official Notice is taken that providing a buyer with real-time credit approval from a web page using a server was common knowledge at the time of Applicant's invention. The Applicants respectfully traverse the Examiner's assertion as further set forth below.

According to MPEP § 2144.03(a), Official Notice, without supporting references, should only be asserted when the subjects asserted to be common knowledge are "capable of instant and unquestionable demonstration as being well-known." That is, the subjects asserted must be of "notorious character" under MPEP § 2144.03(a). Applicants are confident that the Examiner has performed "a thorough search of the prior art," as required by MPEP § 904.02. However, the Examiner's thorough and detailed search of the prior art has failed to yield any reference that suggests that providing a buyer with real-time credit approval from a web page using a server was widely known in the art at the time of Applicants' invention. Applicants respectfully submit that the subject matter of the notice taken is not of such instant and unquestionable demonstration as being well-known in the art as to allow Official Notice to be taken.

Alternatively, if the Examiner's assertion is based on the personal knowledge of the Examiner, then under MPEP § 2144.03(c) and 37 C.F.R. § 1.104(d)(2), the Examiner's assertion must be supported by an affidavit from the Examiner.

Applicants respectfully request that the Office provide a reference(s) in support of the assertion of Official Notice if the Office intends to maintain any rejection based on the assertion. Additionally, the Applicants respectfully request the Examiner reconsider the assertion and

provide any basis for the assertion. If the Examiner has any questions, the Examiner is invited and encouraged to contact the Applicant at the number below for further discussion.

In addition, the Office maintains that the pending claims are anticipated by Lent, USP 6,795,812, which was filed on June 15, 2000. The Lent reference is a continuation-in-part of three other cases that were filed on November 3, 1998, including the applications that ultimately issued as USP 6,324,524; 6,405,181 and 6,567,791.

In support of its anticipation argument, the Office cites to FIGS. 1, 3 and 12 of the Lent reference. However, none of these figures find support in any of these earlier cases. As such, the earliest priority date for the subject matter at issue is June 15, 2000, the filing date of the '812 patent. The current application claims priority to, among other things, Provisional Application Serial No. 60/190,825, which was filed on March 21, 2000. As such, the '812 patent is not prior art to the present claims. Accordingly, the Office's rejection under Section 102 should be withdrawn. The applicants reserve the right to distinguish the '812 patent on other grounds if required in the future.

Based on at least the foregoing, the Applicants believe that claims 1-27 are in condition for allowance. If the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner telephone the undersigned at (312) 775-8000.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

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